

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>TORRANCE FLEMINGS, 1369010,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:10-CV-700-D</b>
	)	
<b>282<sup>ND</sup> JUDICIAL DISTRICT COURT, ET AL.,</b>	)	
<b>Defendants.</b>	)	


**ORDER OF RE-REFERENCE**

The United States Magistrate Judge recommends that this action be dismissed with prejudice as frivolous on the basis that plaintiff seeks only mandamus relief. In plaintiff's objections, he maintains that he seeks declaratory and injunctive relief as well as other types of relief. This assertion finds support in his May 7, 2010 amended complaint. Without suggesting that plaintiff is entitled to relief in this case, the court declines to dismiss the lawsuit with prejudice as frivolous on the ground that plaintiff seeks only mandamus relief.

Accordingly, the court declines to adopt the August 2, 2010 findings, conclusions, and recommendation of the magistrate judge, and it re-refers this case to the magistrate judge for further proceedings.

**SO ORDERED.**

August 31, 2010.

  
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SIDNEY A. FITZWATER  
CHIEF JUDGE